IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10557 of 2004

Between:

SAMRAT WINES Nehru Road, Mahabubabad, Warangal District,
rep. by its Licensee Sri.N.Ramesh S/o Narayana Aged about 30

years , Occ: Business
R/o Mahabubabad, District Warangal

..... PETITIONER

AND

1 The Commissioner ,Prohibition and Excise, AP., Nampally, Hyderabad
2 The Prohibition & Excise Superintendent Warangal, Warangal District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue any writ, order or direction more particulalry one in the nature of Writ of Mandamus declaring the impugned order passed in CR.No.9031/2004/CPE/G,1, dt. 10/05/2004 by the 1st respondent to the extent of levying of compound fee of Rs, 1,00,000/- instead of a Maximum Limit of levying of corrpound fee of Rs. 10,000/- as fixed under sec 47 is illegal, arbitrary, void abinitio and may be further declare that the 1st respondent has no authority to levy compound fee of Rs. 1,00,000/- more that Rs.10,000/- in the interest of Justice and equity

Counsel for the Petitioner: MR.A.RAVINDER, Advocate

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the Following ORDER :

This writ petition is filed by the petitioner aggrieved by the orders of the first respondent imposing a sum of Rs.1,00,000/- as compounding fee with reference to the alleged violations of conditions of license.

2. According to the petitioner, the maximum compounding fee imposable in terms of section 47 of the A.P.Excise Act is only a sum of Rs.10,000/- and not Rs.1,00,000/-. Therefore, the amount of Rs.1,00,000/- imposed by the respondents is illegal and without any jurisdiction.

3. At the time of hearing it is represented that as per the interim order of this Court, the petitioner has already paid Rs.10, 000/- which was the maximum fine amount prescribed under Section 47 of the A.P.Exise Act as compounding fee.

4. In the light of the above said specific provision where the maximum compounding fee was fixed at Rs.10,000/-, the impugned order of the first

respondent is modified, fixing the compounding fee at Rs.10,000/- (Rupees Ten Thousand only) instead of Rs.1,00,000/- as fixed by the first respondent. To that extent the order of the first respondent is modified.

5. The writ petition is, accordingly, allowed to the extent indicated above. No costs.

Dt. 28.06.2004

Dvs/kvh

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1. The Commissioner of Prohibition & Excise, A.P.Nampally,

   Hyderabad.

   2 The Prohibition & Excise Superintendent, Warangal Dist.

3. Two CCs to GP for Prohibition & Excise, High Court of A.P.Buildings,

Hyderabad.(OUT).

4. Two CDs.